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EXAMINER	
HALPERN, MARK	

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
04/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/541,121	DROUX ET AL.	
	Examiner	Art Unit	
	Mark Halpern	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *18-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,21-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1) Acknowledgement is made of Amendment received 4/9/2009.

Claims 1, 21 are amended and new claims 23-25 are offered for consideration.

Specification

2) The amendment filed 4/9/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the paragraph beginning at page 1, line 26, as follows:

"The aqueous solution in which the fibers are dispersed is called white water. The Applicant has discovered that the nature of the ionicity of the white water during passage of the suspension comprising the two types of fiber over the forming fabric assumes great importance in respect of the quality of the dispersion itself and consequently the ~~uniformity~~ homogeneity of the veil formed. The process according to the invention is particularly simple as it allows both the glass fibers and the cellulose fibers to be put into suspension in a single step, directly into the white water".

The change to "homogeneity" in the above paragraph is not supported in the original Specification. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3) Claims 1-17, 21-25, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1, lines 8-9, recites phrase "wherein the formed veil is homogeneous". The veil being homogeneous is not supported in the original Specification and is considered as new matter.

Claim 21, lines 11-12, recites phrase "the formed veil is homogeneous". The veil being homogeneous is not supported in the original Specification and is considered as new matter.

Claim 23, line 12, recites phrase "the formed veil is homogeneous". The veil being homogeneous is not supported in the original Specification and is considered as new matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4) Claims 1-17, 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 8-9, recites phrase "wherein the formed veil is homogeneous". The veil being homogeneous is not clear since it is not supported in the original Specification.

Claim 21, lines 11-12, recites phrase "the formed veil is homogeneous". The veil being homogeneous is not clear since it is not supported in the original Specification.

Claim 23, line 12, recites phrase "the formed veil is homogeneous". The veil being homogeneous is not clear since it is not supported in the original Specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5) Claims **1**, 4-7, 10-12, 15-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kajander (5,837,620).

Claims **1**, 4, 10-11, 15: Kajander discloses the process of making a mat that includes mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater that is cationic and placing the slurry on a wire, draining the slurry over the wire to create a web followed by drying the formed web in an oven of up to 350 ^{o}F (col. 3 lines 64-67). The process includes the application of a binder to the bed (entire document). In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed or in the least it, it would have been obvious to one skilled in the art at the time the invention was made, that the mixing of said fibers in a slurry would result in uniformly or homogeneously distributed fibers.

Claim 5: cationic dispersant is disclosed in Example 1, col. 4, lines 49-63.

Claims 6-7, 12: the product composition is disclosed in the Examples.

Claims 16-17; the cellulose treatment is disclosed.

6) Claims 2-3, 8-9, 13-14, **21**-22, **23**-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander.

Claims 2-3: Kajander is applied as above for claim 1, Kajander is silent on the cationic Neutrality, however, it would have been obvious to one skilled in the art at the time the invention was made, that the cationic neutrality be in the claimed range depending on the product requirements.

Claims 8-9: Kajander is applied as above for claim 1, Kajander is silent on the white water viscosity, however, it would have been obvious to one skilled in the art at the time the invention was made, that the white water viscosity be in the claimed range depending on the product requirements.

Claims 13-14: Kajander is applied as above for claim 1, Kajander is silent on the product basis weight, however, it would have been obvious to one skilled in the art at the time the invention was made, that the product basis weight be any weight including the claimed basis weight depending on the product requirements.

Claim 21: Kajander discloses the process of making a mat that includes mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater that is cationic and placing the slurry on a wire, draining the slurry over the wire to create a web followed by drying the formed web in an oven of up to 350 ^{o}F (col. 3 lines 64-67). The process includes the application of a binder to the bed (entire document). In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed or in the least it would have been obvious to one skilled in the art at the time the invention was made that the mixing of said fibers in a slurry would result in uniformly or homogeneously distributed fibers. In view that Kajander teaches that the fibers may be blended in different concentrations

(col. 3, lines 16-42), it would have been obvious that the blending of fibers include the claimed amounts.

Claim 22: mat tear strength of 600 grams is disclosed in Table (col. 5, lines 12-20).

Claims 23-24: Kajander discloses the process of making a mat that includes mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater that is cationic and placing the slurry on a wire, draining the slurry over the wire to create a web followed by drying the formed web in an oven of up to 350 ^{o}F (col. 3 lines 64-67). The process includes the application of a binder to the bed (entire document). In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed or in the least it would have been obvious to one skilled in the art at the time the invention was made that the mixing of said fibers in a slurry would result in uniformly or homogeneously distributed fibers. In view that the claim does not define a degree of drying or dryness, it would have been obvious to one skilled in the art that the product mat of Kajander is dry. In view that the Specification or the claim define fibers in an individual state, it would have been obvious that at least some fibers are in the individual state during passage through the bed.

Claim 25: in view that Kajander teaches that the fibers may be blended in different concentrations (col. 3, lines 16-42), it would have been obvious that the blending of fibers include the claimed amounts.

Response to Amendment

6) Applicants' arguments filed 4/9/2009, have been fully considered but they are not persuasive.

Applicants allege that the cited prior art, Kajander, does not disclose forming a homogeneous veil.

In view that the glass fibers and cellulosic fibers are mixed in a slurry, the glass fibers and the cellulosic fibers are uniformly or homogeneously dispersed, or in the least it would have been obvious to one skilled in the art at the time the invention was made, that the mixing of said fibers in a slurry of Kajander would result in uniformly or homogeneously distributed fibers.

Applicant alleges that in a Declaration is attached it is indicated that the term "uniformity" is more correctly translated as "homogeneity".

A Declaration is not attached. Also, the change to "homogeneity" in the Specification, Page 1, line 30, is not supported in the original Specification. It is considered as new matter. Applicant is required to cancel the new matter in the reply to this Office Action.

The resolution of the dependent claims will follow the resolution of the independent claims.

Conclusion

7) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone no. is 571-272-1190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

/Mark Halpern/
Primary Examiner
Art Unit 1791

Serial Number	Application No.	Applicant(s)	
	10/541,121	DROUX ET AL.	
	Examiner	Art Unit	
	Mark Halpern	1791	